

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	
	§	<b>No. A-21-CR-00248-RP</b>
<b>(1) KENNETH ZOLLER</b>	§	

**ORDER OF DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, in particular that Defendant possessed a firearm at the time of his arrest, that he fled law enforcement prior to his arrest while under the influence of alcohol, and that he did not comply with law-enforcement instructions at the time of his arrest;
- the weight of the evidence against the person, in particular, that at the time of Defendant's arrest, having been previously convicted of a felony, Defendant, who was the sole occupant of the vehicle, possessed a firearm within arm's reach of where he was sitting in the driver's seat;

- Defendant's history of methamphetamine abuse and unwillingness or inability to comply with terms of release requiring him to test regularly and obtain treatment to address these issues;
- Defendant's lengthy history of non-compliance with terms of release, including the fact that Defendant was serving a term of supervised release at the time of his underlying arrest;
- Defendant's multiple attempts to flee from law enforcement in a car and at a high rate of speed, endangering himself, law-enforcement personnel, and anyone else who is on the road at the time of these chases;
- Defendant's multiple firearm-related arrests and convictions;
- Defendant's unstable housing history and his demonstrated unwillingness to live in his mother's house, which was the sole location suggested as a possible residence for his home detention pending his trial;
- Defendant's lack of stable employment; and
- Defendant's prior affiliation with the Aryan Brotherhood.

This record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

#### **DIRECTIONS REGARDING DETENTION**

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request

of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED December 15, 2021.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE